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Fifty-second session

SUMMARY RECORD OF THE 1258th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 March 1998, at 3 p.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Thirteenth periodic report of Lebanon (CERD/C/298/Add.2; HRI/CORE/1/Add.27/Rev.1)

1. At the invitation of the Chairman, Mr. El Khazen and Mr. Maamari (Lebanon) took places at the Committee table.

2. Mr. MAAMARI (Lebanon), introducing the thirteenth periodic report of Lebanon (CERD/C/298/Add.2), said that the Lebanese community or religious system had often been called "personal federalism", as opposed to ordinary federalism with a territorial basis. Under the 1926 Constitution, the communities were to be equitably represented in public employment and in the composition of the Government. There was also an unwritten agreement, known as the National Pact, whereby the President must be a Maronite Christian, the President of the Chamber of Deputies a Shi'ite Muslim, and the Prime Minister a Sunnite Muslim. The fact that the system was consistent with a representative parliamentary democracy should be stressed. The most recent legislative elections, by universal suffrage, had been held in 1996.

3. The constitutional amendments of 1990 had marked the end of a 15-year period of disturbances and war. The new article 95 called for the step-by-step elimination of political confessionalism, but most Lebanese did not yet seem ready to abandon the system.

4. Lebanon had never adopted any doctrine of superiority based on racial distinctions or any policy based on racial hatred. It did not harbour any groups that maintained that there was a scientific basis for racial differences. There was no propaganda, and no group, in Lebanon that drew on ideas or theories based on racial or ethnic superiority. During the apartheid regime in South Africa, Lebanon had severed diplomatic relations with that country. Article 317 of the Criminal Code provided for the punishment of acts, words or statements whose object or effect was to excite religious or racial hatred, while article 318 prohibited membership of associations founded for such purposes. Disturbance of religious practice, and destruction of religious symbols, were punishable by imprisonment.

5. Human rights in general had not been absent from the concerns of the Lebanese Government in recent years; the new preamble to the Constitution recognized the principle of equality of citizens, the need for a balanced development of the regions and the right of all Lebanese to reside in any part of the territory. It was forbidden to distribute the population geographically on the basis of any affiliation.

6. A Ministry of Displaced Persons had been established to ensure the voluntary return of persons displaced from their original places of residence, and significant progress had been made in the area of equal rights for women and the rights of the child. Of particular relevance to the Convention,

alongside the Chamber of Deputies' Committee on the Rights of the Child, was its Internal Regulations and Human Rights Committee, which would welcome the Committee's comments at the current session.

7. Mr. GARVALOV (Country Rapporteur) said he agreed with the delegation's statement that the Lebanese system was consistent with a representative democracy. Seventeen years had elapsed since the submission of Lebanon's previous periodic report, but there were good reasons for the delay. The illegal occupation of southern Lebanon and West Bekaa still prevented the State party from implementing the Convention throughout the whole of its territory. Few States parties had witnessed such difficulties. In recent years, however, the political crisis appeared to have been resolved, and he welcomed the resumption of Lebanon's dialogue with the Committee. In addition to being prepared in accordance with the Committee guidelines, the report elaborated on Lebanon's views on article 1 of the Convention, as seen through the prism of its community or religious system and its constitutional arrangements. Lebanon was a special case with its religious communities, which formed the Lebanese people as a whole.

8. He asked for clarification of a possible discrepancy between the term "unitary State" and the statement that the Lebanese people were made up of "various religious communities" with enormous powers in Lebanese society, including the power to have family matters settled by religious courts. The reference in paragraph 17 to "personal federalism" within a unitary State compounded the need for clarification. He was grateful to the State party for raising two questions which he himself wished to ask - whether the religious communities were ethnic groups, and whether the Lebanese were classified according to their origins (paragraph 19). He added that Greeks and Armenians of Catholic or Orthodox persuasion were, respectively, of Greek or Armenian origin, whether or not they followed Byzantine forms of worship. Referring to paragraph 21 of the report, he asked whether Lebanon then recognized the existence of certain racial or ethnic groups or individuals within society.

9. Another important admission was that what had originally been viewed as a safeguard of rights and freedoms had been seen by some as an impediment to the freedom of individuals who did not wish to identify themselves with a particular group (paragraph 22). Perhaps that called for further explanation.

10. He would appreciate an explanation of the differences in the lists of, and figures for, the main minority groups between the core document (HRI/CORE/1/Add.27, para. 7) and the World Directory of Minorities published by the Minority Rights Group International. Among the immigrant communities listed in the Directory were the Kurds, who spoke Kurdish and were undoubtedly ethnically different from the majority of the population.

11. If the ethnic element had not been part of Lebanese society at the time when the Criminal Code had been drafted (1954), why then had the Lebanese legislators deemed it necessary to include it in a separate amended provision of the Code? By introducing the term "ethnic factionalism" they had been both far-sighted and unafraid to "call a spade a spade".

12. The constitutional amendments of 1990, providing for the gradual elimination of political confessionalism and abolishing the rule of confessional representation, would undoubtedly take a long time to be generally accepted, since there was still resistance to the elimination of confessionalism, as the State party admitted. He saw a distinct role for the Government in educating society on the need for acceptance and would appreciate more information on that important problem.

13. There appeared to be a discrepancy between the statement in paragraph 26, that the State did not sponsor, defend or support acts or attitudes of racial discrimination and paragraph 57, which stated that prejudices leading to racial discrimination were rare. Were there no acts or practices of racial discrimination, or was it that prejudices existed which, though rare, nevertheless led to racial discrimination? Had the State party taken the measures described in article 2, paragraph 1, of the Convention? The claim that because the State party engaged in no act or practice of racial discrimination it had not had to implement article 2, paragraphs 1 (d) and 2 was unsatisfactory; it was not thereby absolved from its obligations under article 2.

14. He commended the State party for providing that all treaties duly ratified acquired mandatory force of law within the country simply by virtue of the exchange or deposit of instruments of ratification or accession, and the statement that provisions calling for legislative or regulatory measures must be introduced by the State. That was precisely what the Convention required in article 2, paragraph 1 (c).

15. Had Lebanon undertaken to adopt "immediate and positive measures" to implement article 4? The obligations of States parties with respect to the mandatory nature of that article should not be confined to the narrow concept of "theories". In the light of that comment, the information on article 4 in paragraphs 33, 34 and 35 was inadequate. He asked why Lebanon had not quoted article 316 of its Criminal Code, as it had done in its fifth periodic report (CERD/C/65/Add.4), which was more relevant to article 4 than article 318.

16. Lebanon had provided satisfactory information on implementation of article 5 of the Convention. He asked for clarification of the statement in paragraph 27 that "All Lebanese are equal before the law". It was not clear which law was being referred to, since some important issues came under the laws drawn up by the various communities. For example, family-related problems were settled by religious courts.

17. The constitutional provision according to which the affirmation of equality of rights and obligations applied to citizens and not men and women in general was in conformity with article 1, paragraph 2 of the Convention.

18. He asked why, in paragraph 39 of the report, there was mention of only "the individual use of national languages". Could national languages be used by individuals in community with other individuals who spoke the same language? Further information was needed on the rights of foreign workers to be members of political parties, to choose and change jobs, to form trade unions, and to education, health care and social services. Clarification was also needed on their equality before the law, which was different from "their

access to the courts" which was mentioned in paragraph 39. In its report (A/52/40), the Human Rights Committee had expressed concern that Lebanon did not, in many instances, provide citizens with effective remedies and appeal procedures for their grievances. He asked how that affected foreign workers and refugees.

19. The report of the United States Department of State on Human Rights Country Situations, 1997, had alleged that in practice, very few Palestinians received work permits, that Palestinians continued to face job discrimination and that most of them were funnelled into unskilled occupations. The law which permitted aliens to own land of a limited size, subject to approval, was reportedly applied in a manner disadvantageous to Palestinians and, to a lesser extent, Kurds.

20. The fact that the Lebanese Criminal Code did not "permit" racial discrimination was not the same as the requirement in article 5 of the Convention whereby States parties "undertake to prohibit and to eliminate" racial discrimination. In connection with article 5 (b), the Human Rights Committee (A/52/40) had expressed concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians.

21. He welcomed the content of paragraph 45 and the quotation from the Lebanese Constitution of 1990. The Committee supported the territorial integrity and inviolability of States parties and was against unilateral secession and territorial disruption. Lebanon was prevented from implementing the Convention on the whole of its territory and under its jurisdiction, part of its territory being under illegal foreign occupation.

22. The admission in paragraph 47 of the report that some Lebanese nationals who employed foreigners confiscated their passports was a matter of concern. The State party deplored that practice, but did not consider that it was racially motivated. The Human Rights Committee had also expressed concern over the handling of that issue.

23. It was stated in paragraph 48 that the right to Lebanese nationality derived from jus sanguinis (any individual born of a Lebanese father was Lebanese), and jus solis. That called for clarification. If the father was not Lebanese, but the mother was, did that mean that the children were denied the right to Lebanese nationality? What did the term "Lebanese father" mean? Did it mean that the father not only had to be of Lebanese origin or extraction, born in Lebanon, but must also be a Lebanese national? When considering Lebanon's initial report on the Convention on the Rights of the Child in 1996 (CRC/C/8/Add.23), the Committee on the Rights of the Child had expressed its concern at the apparent discrimination in the granting of nationality to a child of parents of mixed nationality (CRC/C/54).

24. Could the fact that there were few mixed marriages be attributed to any restrictions on freedom of marriage, not simply tradition? It was disconcerting to learn from paragraph 51 that a proposal by the President of the Republic to draft a civil law to govern personal status, marriage and family law to supplement existing religious laws had not been favourably received in Lebanese society. That would suggest that "confessionalism as to

personal status" could not be easily abolished and that more education, in the general sense of the word, would be needed to convince society to accept more freedoms related to marriage.

25. He took the point that the inadequate protection of domestic workers, of whom the majority were foreigners, in terms of working hours was not a case of racial discrimination but a practical difficulty, but added that the State party could not leave that issue unresolved.

26. Details of specific Lebanese laws which implemented article 6 would have been welcome. Paragraph 54 merely gave assurances that rights and freedoms were established in Lebanese law and that any individual or group could have recourse to the courts in order to secure observance of their rights and to obtain compensation. Clarification was needed of the reference in paragraph 56 to "no noteworthy cases of violation" of the principles of the Convention. Did that mean that there had been less "noteworthy" cases where those principles had been violated and had litigants gone before Lebanese courts claiming such violation?

27. A full description of measures taken to implement article 7 would be expected in the next periodic report of Lebanon. Article 7 referred to much more than information. Quoting the article, he drew the delegation's attention to the Committee's General Recommendations V, XIII, XXII and XXIII.

28. Mr. VALENCIA RODRIGUEZ asked to what extent the Government was successful in maintaining balanced representation of the different groups of the population in the country's public life and in helping minority groups to develop.

29. The main disadvantage of the community system was that it did not provide for persons who did not wish to disclose their descent, ethnic origin or religious faith in order to participate in public life. What could be done to overcome that problem? The document of national understanding (the Taif Agreement) had called for the step-by-step elimination of political confessionalism. However, he noted that there was still resistance to its abolition as it was seen in some quarters as a means of ensuring civil peace among the people of Lebanon.

30. He wondered what was meant by the reference in paragraph 26 of the report to immediate implementation of "sufficiently specific and concrete" provisions of treaties that had been ratified or acceded to by Lebanon. Who decided which provisions fell into that category? Did that approach not undermine the unity of purpose of international instruments? He asked whether the fact that the Convention, as a whole, could be directly invoked before the courts meant that Lebanon viewed all its provisions as sufficiently specific and concrete.

31. Details of case law resulting from application of articles 317 and 318 of the Criminal Code of Lebanon would be welcome.

32. Had the Government of Lebanon considered a programme to disseminate the Convention and promote tolerance among the different groups of the population?

33. Mr. de GOUTTES, welcoming the resumption of Lebanon's dialogue with the Committee, said that Lebanon's confessional system was most original but was not without problems in terms of implementation of the Convention. For example, the fact that people could not participate in public life if they chose not to reveal their descent, ethnic origin or religious faith forced people to identify themselves with a particular community.

34. With reference to paragraph 19 of the report as to whether religious communities in Lebanon were ethnic groups and if the Lebanese were classified according to their origins, the report stated that the communities should be classified as groups of families with their own religious and cultural particularities. However, the distinction made between religious communities and "minorities" was not clear and should be explained further. Was the community system an example of distinction based on descent or national or ethnic origin? If so, it would contravene article 1, paragraph 1 of the Convention.

35. According to the report, the State party justified its contention that no special measures needed to be taken to secure adequate advancement of certain racial or ethnic groups on the grounds of article 1, paragraph 4 of the Convention. However, as could be seen from paragraph 23, Lebanon had an unusual interpretation of that article which should be clarified for the Committee.

36. How far had Lebanon moved towards the gradual elimination of the confessional system?

37. Articles 317 and 318 of the Criminal Code provided for penalties in accordance with article 4 of the Convention. Did the Code also cover other forms of racial discrimination such as economic discrimination or denial of access to public services on the basis of ethnic or national origin or religious faith?

38. The Committee could not accept Lebanon's claim to be free of racial discrimination - no country was in a position to claim that. The absence of complaints of racial discrimination was not necessarily a positive sign - it could mean that the population was not sufficiently informed of recourse available or lacked confidence in State authorities.

39. More information was needed on measures to protect the rights of both refugees, Palestinians in particular, said to be more than 400,000 in number, and foreign workers, especially Syrians, Egyptians, Sudanese and Ethiopians (paragraph 39 of the report). That applied also to the group of foreign domestic workers, who according to paragraph 53 were not adequately protected as to working hours, some even having had their passport "confiscated" by their employers (paragraph 47).

40. What was the position of the Government of Lebanon with regard to making the declaration under article 14 of the Convention?

41. Mr. SHERIFIS drew attention to the assertion in paragraph 57 that prejudices were rare. The objectives of the Convention were of perhaps even greater relevance in Lebanon than in other countries. The provisions of the

Convention should be made part and parcel of education at all levels of society, precisely because of the country's problems and the composition of its population. The Committee had never accepted the assertion by any State that racial discrimination was not a problem; there was room for improvement in every country.

42. He welcomed the provisions of the new paragraph (i) in the Preamble to the Lebanese Constitution (paragraph 45). How successful was the programme, referred to in paragraph 46, to allow the return of displaced persons to the original places of residence from which they had been driven by the armed conflicts?

43. Referring to the Committee's General Recommendation XXII, he asked whether refugees and displaced persons, after their return to their homes of origin, had the right to have restored to them property of which they had been deprived in the course of the conflict and to be compensated appropriately for any such property that could not be restored to them.

44. Ms. McDOUGALL asked whether there was a government policy to naturalize Palestinians, both refugees and others, who had been living in Lebanon for a long period. How many such persons had been naturalized over the previous five or six years?

45. The Middle East Report of July-September 1996 spoke of the marginalization experienced by Palestinians in Lebanon which took a number of forms often linked to exclusion and violence. The report said that there was a dimension marked by negativism and fear and a generalized feeling among Palestinians that they as individuals and as a community were an object of scorn and hostility. They were cast as troublemakers and the cause of Lebanon's post-war woes. Was that a fair description of the current sentiment in the population, and if so, how did the Government of Lebanon intend to deal with it in the future?

46. The delegation of Lebanon withdrew.

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Saint Lucia

47. Mr. RECHETOV (Country Rapporteur) said that Saint Lucia, having acceded to the Convention in 1990, should have submitted its initial report in March 1991. Its fourth periodic report had been due in March 1997. To date, no report had been submitted.

48. Saint Lucia was a small Caribbean State. Long coveted by two colonial Powers, the United Kingdom and France, it had become a British colony in 1814; it had been granted independence in 1979. Since then, the country had been a multi-party parliamentary democracy and had been part of the British Commonwealth. The Government consisted of a cabinet headed by a prime minister, and the legislative branch was a bicameral parliament. A governor, appointed by the British Crown, was the formal head of State. The forces of order were composed basically of the police and a coastguard. The police was

run along democratic lines. There had been accusations that the police and prison authorities were violating the rights of persons in their custody, although such assertions did not have any clearly expressed national or racial character. The economy of the country was based on tourism and the export of bananas.

49. As at July 1996, the population of Saint Lucia had stood at 157,862. Persons of African origin made up 90.3 per cent of the population, those of mixed origin 5.5 per cent, those of East Indian origin 3.2 per cent and Whites 0.8 per cent.

50. On several occasions in the past, the Committee had looked into the reasons why a given State had not submitted its reports. Saint Lucia was clearly handicapped by a shortage of qualified staff to prepare the reports. Also, as Saint Lucia had never drawn attention as the scene of any ethnic conflicts, its Government had no doubt assumed that the submission of a report was unlikely to be a matter of priority. There were probably many States which, like Saint Lucia, did not submit reports for purely technical reasons. The question arose what the Committee should do in such cases. Even in the absence of serious allegations of violations of the rights covered by the Convention, the systematic failure to submit reports meant that such States were not fulfilling their obligations under the Convention. Since merely sending them new reminders served no purpose, it might be useful to ask the Secretariat to appoint someone to deal with all States which for technical reasons had failed to submit reports. The Committee could compile a list of such countries, and the Secretariat could try to take action, perhaps within the framework of advisory services, to ensure that some progress was made. The fact that dozens of States did not submit reports created a legal vacuum: the Committee had no idea what was happening in those States and no influence on the course of events there.

51. The CHAIRMAN asked Mr. Rechetov to draft a proposal for inclusion in the Committee's report to the General Assembly.

52. Mr. YUTZIS endorsed Mr. Rechetov's suggestion and agreed with the Chairman that it would be useful to have a written proposal for consideration.

ACTION BY THE GENERAL ASSEMBLY AT ITS FIFTY-SECOND SESSION

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (agenda item 11) (A/52/507)

53. Mr. BANTON said that he would be reporting on two meetings of persons chairing the human rights treaty bodies, the eighth (A/52/507) and the ninth (draft document distributed at the meeting, with no symbol). The ninth meeting had differed from the two previous ones he had attended in that only then had there been adequate recognition of the differences between the six treaty bodies, the Committee against Torture and the Committee on the Elimination of Racial Discrimination having narrower and more specific mandates than the others. At the seventh and eighth meetings, much time had been spent considering relations with United Nations agencies and listening to representations from pressure groups. At the ninth meeting, the focus had been more on discussions among the chairpersons of their shared problems. He

drew attention, however, to the following weakness: with the Committee's system of a rotating chairmanship, there was a lack of continuity, because its chairman attended only two meetings of chairpersons. He had been a newcomer at his first meeting and had therefore participated more effectively at his second meeting, but subsequently, under the Committee's system, he had had to pass the task on to someone else.

54. Commenting first on the eighth meeting, he drew attention to paragraph 34 of the report to the effect that no consensus had been reached with regard to the proposal to consolidate reports by States into a single global report to cover all six human rights treaties. However, there was recognition in paragraph 35 that there might be significant advantages if each State party was to focus its report on a limited range of issues. Paragraph 36 made it clear that the treaty bodies could assist that approach by strengthening their own concluding observations and making them more specific. Paragraph 38 stated that the general view of the chairpersons had been that it was neither practicable nor desirable to envisage joining the six treaty bodies into a single committee. Paragraph 49 reflected the belief of those present that occasional sessions in New York would enable the four committees concerned to establish better contact with States which did not have permanent missions at Geneva. Paragraph 51 made the point that there would be advantages in having occasional treaty body meetings at the various United Nations regional offices.

55. With reference to paragraph 56, he noted that, notwithstanding the Committee's agreement in September 1997 to request that documents required for meetings should be translated initially into certain languages to speed up distribution, the report of the Netherlands had not been released in time by the Conference Services Division.

56. In connection with paragraph 57 concerning the late calling to order of meetings, the Committee had wasted some three hours of conference service time since the beginning of the session, even if the opening meeting was discounted as a special case. Paragraph 58 suggested that treaty body members should leave the task of addressing courtesies to State party delegations to the chairperson and should also refrain from assessing the quality of State reports in their comments.

57. The question of briefings for delegations was raised in paragraph 59. He hoped that a draft document which he had prepared for the guidance of members and delegations (CERD/C/52/Misc.23) with a view to conducting the Committee's business more expeditiously could be discussed later in the session.

58. The Committee was one of the treaty bodies mentioned in paragraph 60 whose members did not receive honoraria.

59. He had conveyed the Committee's view to the chairpersons that its reporting guidelines did not require amendment to incorporate gender perspectives. He had objected to the statement in paragraph 64 that the United Nations Population Fund (UNFPA) round table held in December 1996 was of relevance to all treaty bodies but his proposed amendment, based on the wording agreed at the conclusion of the round table, had not been accepted.

60. With regard to impartiality, he had reported on the Committee's discussion when one of its members had been appointed Minister for Foreign Affairs.

61. Paragraph 73 had been included in response to the circulation among the chairpersons of an earlier version of CERD/C/52/Misc.9 containing a table of comparative statistics for the treaty bodies. Although the Chairperson of the Committee on Economic, Social and Cultural Rights had been unhappy with the table because it seemed to reflect adversely on his Committee and failed to take into account diverse aspects of the work of the different treaty bodies, he felt it should be possible to develop a useful activities profile containing quantitative data if appropriate explanations were offered for differences due, for example, to different reporting cycles. The next ordinary meeting of chairpersons would consider the possibility of issuing an annual report covering the work of all six treaty bodies.

62. The report of the ninth meeting of persons chairing the human rights treaty bodies was as yet available only in draft form. Paragraph 11 noted that the meeting had been especially constructive from the point of view of improved coordination and reform of the reporting system.

63. At the end of the meeting, the chairpersons had reported on their main conclusions to a public meeting attended by representatives of some 70 delegations of States parties, many of whom had made statements which reflected their keen interest in the problems of the treaty bodies. His own conclusion was that, while changes in the working methods of treaty bodies were necessary, it would be unduly cumbersome to seek reform through amendments to the treaties and more appropriate to do so through the meetings of chairpersons. He had also noted with interest that individual delegations often took the lead in drafting resolutions for adoption by the General Assembly, which provided useful insights into the views of other delegations on the issue in question. The delegation of Canada, for instance, had spearheaded General Assembly resolution 52/118 concerning the effective implementation of human rights instruments. It might be possible for such delegations to communicate informally with the incumbent Chairperson of the meeting of chairpersons on matters of interest to individual treaty bodies.

64. The issue of reservations to treaties was a highly contentious one. In particular, there was disagreement over whether reservations to human rights treaties were different in character from reservations to other categories of treaty. He trusted that the Committee would support the Chairperson of the ninth meeting of chairpersons, who was writing to the International Law Commission on the matter. It could be submitted that article 20, paragraph 2, of the Convention unequivocally assigned responsibility for deciding whether a reservation was incompatible or inhibitive to the States parties, but it could equally be argued that circumstances had changed since the Convention had been drafted in 1965, as reflected in General Comment No. 24 of the Human Rights Committee (HRI/GEN/1/Rev.3). He suggested that the Committee should discuss the issue during the current session with a view to determining an agreed position.

65. With regard to servicing, it was the unanimous opinion of the treaty bodies that, for reasons of continuity, efficiency and expertise, each Committee should have a designated secretary.

66. The idea of a global plan of action to enhance the resources available to the treaty bodies was discussed in paragraph 24. Proposals for voluntary funding by sources other than the United Nations regular budget had raised objections on three grounds: private funding for core activities was undesirable; existing arrangements favoured individual bodies such as the Committee on the Rights of the Child or the Committee on Economic, Social and Cultural Rights; funding tended to be unreliable in the long term. It was generally agreed, however, that plans of action, however unsatisfactory, were the only feasible option for the time being, and three State party delegations at the public meeting had expressed support for an overall plan of action on behalf of all six treaty bodies.

67. The chairpersons had taken note of the Committee's practice of examining the human rights situation in States parties whose reports were overdue. While some treaty bodies felt restricted in that regard by the provisions of their respective treaties, the meeting nonetheless agreed that there was a strong legal basis for supporting the Committee's approach.

68. Paragraphs 30 and 31 referred to the need for more focused reporting by States parties based on more specific concluding observations by treaty bodies. Chairpersons had been asked to report back on any measures taken in that regard.

69. With reference to paragraph 40 on the independence of experts, he drew attention to the guiding principles adopted by the Human Rights Committee (CCPR/C/61/GUI), which the Committee might wish to discuss at its next session.

70. The CHAIRMAN regretted that he had not received the reports reviewed by Mr. Banton in time to study them in depth, particularly since he would be responsible for follow-up on the matters discussed. He invited comments and suggestions from members of the Committee.

71. Mr. GARVALOV said that the two reports reviewed by Mr. Banton raised very serious issues which should be discussed by the Committee as a whole before the end of the session. He was deeply concerned that the process of reform of the treaty bodies was being conducted by an independent expert and that the bodies themselves had not been involved or consulted. Drawing attention to paragraph 3 of General Assembly resolution 52/118 which welcomed the submission of the independent expert's final report to the Commission on Human Rights, he suggested that a meeting or seminar should be convened at which the treaty bodies would have the opportunity to express their views.

72. The CHAIRMAN shared Mr. Garvalov's concern at what he could only describe as attempts to impose a "new international order" on treaty bodies without consulting their members. The implications of the issues raised were so far-reaching that it would be impossible to do them justice in the scant time available during the current session.

73. Mr. RECHETOV associated himself with the views expressed by Mr. Garvalov and the Chairman. The issues raised by the meetings of chairpersons called for careful consideration in the light of legal principles and the Committee's practical experience. He proposed that the Committee should prepare a plan for the development of general recommendations during the next few sessions on such important issues as State party reservations to the Convention and Mrs. Sadiq Ali's proposal regarding the right to information. He cautioned against taking any hasty decisions at the current session.

74. Mr. de GOUTTES expressed support for Mr. Rechetov's proposal regarding reservations and the right to information.

75. The issues raised at the meetings of chairpersons were of crucial importance for the Committee's working methods and indeed its very existence. In particular, it was important to discuss the proposed reform of the reporting system, the possible merger of treaty bodies and the independence of experts, with special reference to the guiding principles adopted by the Human Rights Committee13 March 1998. With regard to reporting procedures, he drew attention to a document circulated by the non-governmental organization Anti-Racism Information Service (ARIS), which contained a useful table concerning the effectiveness of the Committee's decisions during the period 1991-1996 on consideration of the human rights situations in States parties in the absence of a report.

The meeting rose at 6 p.m.